

Serial No.: 09/998,362
Group Art Unit: 2667
Examiner: Blanche Wong

REMARKS

Claims 1-20 remain in this application.

The Abstract and specification have been amended as suggested by the Examiner.

Claims 1, 5, 9, 11, 15, 18 and 20 have been rejected under 35 USC 102(e) as anticipated by Su et al. (US 6,850,705). Applicants submit that the disclosure of Su is different from their claimed invention in terms of what it accomplishes, the method used, and the structure for implementing the method.

The differences from Su et al. are highlighted by elements of Applicants' claims. Claims 1 and 11 recite (1) "a database of information regarding the status of the network including information associating channels in each link of the node to one or more protection paths" and (2) "information associating channels in each link to respective working paths". The claim has been amended to make the meaning unambiguous, namely that the database information is "associating specific channels in each link". By contrast, the "buckets" of Su et al only record the number of channels reserved for protection. See column 5, line 37 where the "value of h_i^k " is described.

Further, claims 1 and 11 recite, "using the database of said one node to identify links that do not have a shareable channel but do have an unused channel that may be used for said new protection path". Applicants submit that the buckets of Su et al. only have information about the number of shareable channels. For example as described in the example of column 5, lines 45-61, channel 4 has two channels reserved for protection of links 2, so one of these channels could be shared to provide an additional channel of protection for links 1 or 3. However, Su et al. does not have any information about whether there are any unused channels. So Su cannot use "the database of said one node to identify links that do not have a shareable channel but do have an unused channel that may be used for said new protection path". Claims 1 and 11 have been amended to additionally recite that the claimed database includes "information on the availability of specific channels to be used for a protection path". This is not present in Su et al.

Accordingly, it is submitted that claims 1 and 11, and claims 5, 9, 15, 18 and 20 dependent thereon are not anticipated by Su et al.

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In addition, it is submitted that claims 1 and 11 are not obvious under 35 USC 103 in view of Su et al. The distinctions emphasized above result in an method and apparatus for providing shared path protection in a WDM network that is different from that of Su et al., and will achieve different results. Applicants' distinctive steps and structure are not addressed or considered in Su et al. Neither is there anything in Su et al. to suggest or make obvious the new algorithmic steps and elements of the claimed invention.

Claims 7 and 16 have been rejected under 103(a) as unpatentable over Su in view of Sha (US 6,868,057). It is submitted that claims 7 and 16 are allowable because they depend from claims 1 and 11, respectively, submitted to be allowable for the reasons given above.

Claims 2-4, 6, 8, 10, 12-14, 17, 19 have been objected to as dependent on a rejected base claim. Claim 2 has been rewritten in independent form and is believed to be allowable along with claims 3 and 4 dependent thereon. It is submitted that claims 6, 8, 10, 12-14, 17, 19 are allowable because they depend from claims 1 and 11, respectively, submitted to be allowable for the reasons given above.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact V. Lawrence Sewell at (972) 519-3735.

Respectfully submitted,

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